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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri D.R. Deshmukh, J.

Writ Petition No. 3348 OF 2004

PETITIONER Subodh Pawar, aged 45 years, S/o Shri Narayan Rao Pawar, Advocate, R/o Gurur, District - Durg (C.G.)

Versus

RESPONDENTS

1. Union of India,
Through - Secretary, Department of Health, Family Welfare, Government of India, New Delhi.

2. State of Chhattisgarh
Through : Principal Secretary, Department of Health and Family Welfare, Govt. of Chhattisgarh, Mantralaya D.K.S. Bhawan, G.E. Road, Raipur (C.G.)

3. Medical Council of India
Aiwan - E- Galib Kotla
Opposite to Muta Sundari College For Women New Delhi.

4. The Manonite Medical Board
Regd. No. 82 of 1960-1961
Dhamtari Tah. & Distt. Dhamtari,
Through:- President, Manonite Medical Board Dhamtari Tah. & Distt. Dhamtari (C.G.)

5. Christian Medical College and Hospital
Through : The Registrar
Christian Medical College,
Raipur Road, Dhamtari - 493773,
Tah. & Distt. Dhamtari (C.G.)

6. Board of Secondary Education
Chhattisgarh, Raipur (C.G.)

7. Regulatory Commission
Constituted under the Chhattisgarh Nizi Kshetra Vishwavidyalaya (Sthapna Aur Viniyaman) Adhiniyam 2002.

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C/o Secretary, Department of Higher Education Mantralaya, D.K.S. Bhawan Mantralaya, Raipur (C.G.)

8. University Grant Commission Bahadur Shah Jafar Marg, New Delhi 110002

Present:

Shri V.G. Tamaskar, learned counsel for the petitioner.

Shri Bhishma Kinger, learned counsel for respondent No.1/Union of India

Shri Prashant Mishra, learned Addl. A.G. with Shri Utkarsh Verma, learned Dy. G.A. for the State/respondent No.2.

Shri Ranbir Singh, learned counsel for respondent No.3

Shri P. Diwakar, learned Sr. Advocate with Ms. Sharmila Singhai, learned counsel for respondents 4 & 5.

ORAL ORDER
(Passed on 10th of January 2006)

The following Order of the Court was passed by

S.R. Nayak, CJ:

This writ petition is filed as a Public Interest Litigation by the petitioner claiming to be a *pro bono* public character and that he claims that he has filed this writ petition to espouse the public cause.

(2) The allegation in the writ petition is that the 5th respondent is a bogus medical college run by the 4th respondent-management. It is alleged that without seeking permission from the Medical Council of India/Union of India and other public authorities as required in terms of law, they have established the 5th respondent -medical college and admitted the students collecting huge sums of money. On service of notice, respondents 4 & 5 have filed their reply/statement of objection. What emerges from the pleadings of the parties as on today is the fact

that respondents 4 & 5 have yet to obtain permission from the Medical Council of India/Union of India and other public authorities. It is needless to state that unless respondents 4 & 5 secure permission/affiliation from the public authorities, particularly permission from the Medical Council of India/Union of India which is a condition precedent to establish a medical college, respondents 4 & 5 cannot proceed to admit the students to the medical college. In that view of the matter, we dispose of this writ petition directing respondents 4 & 5 not to admit the students to any medical courses run by it unless and until it obtains permission from the Medical Council of India/Union of India and other public authorities, in accordance with law. Respondents 1 to 3 are also directed to see that respondents 4 & 5 do not admit the students to 5th respondent-medical college unless respondents 4 & 5 secure permission /affiliation from the Medical Council of India and other public authorities. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge